


FILED  
CLERK, U.S. DISTRICT COURT

**SO ORDERED**

MICHAEL L. LARSEN (4069)  
JOHN E. DELANEY (8481)  
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DISTRICT OF UTAH  
BY: \_\_\_\_\_  
DEPUTY CLERK

  
TED STEWART  
United States District Judge  
Date 12/10/03

RECEIVED

DEC 10 2003

Attorneys for OVERSTOCK.COM, INC.

JUDGE'S COPY

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

OVERSTOCK.COM, INC., a Delaware  
corporation,

Plaintiff,

vs.

THE GATOR CORPORATION, a  
Delaware corporation,

Defendant.

Case No. 2:03-CV-569

**NOTICE OF VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE**

Judge Ted Stewart

**ORDER**

\*\*\*\*\*

Plaintiff Overstock.com, Inc., pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, hereby voluntarily dismisses this action without prejudice. Because no answer or motion for summary judgment has been filed in this action, no Order of the Court or stipulation by the parties is necessary to effectuate this dismissal.

DATED this 10<sup>th</sup> day of December, 2003.

A handwritten signature in black ink, appearing to read 'Michael L. Larsen', is written over a horizontal line.

MICHAEL L. LARSEN

JOHN E. DELANEY

PARSONS BEHLE & LATIMER

Attorneys for Plaintiff Overstock.com, Inc.

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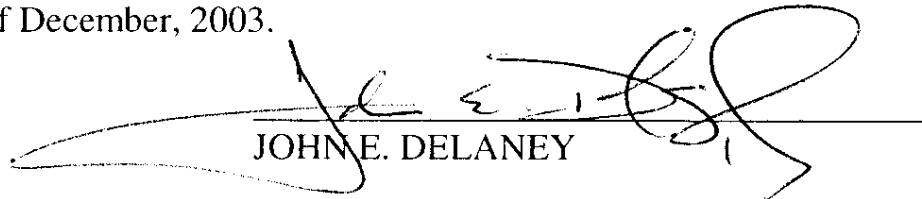
TEL: (801) 532-1234

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**CERTIFICATE OF SERVICE**

This is to certify that I have on this date served a true and correct copy of NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE via U.S. Mail upon counsel for all interested parties in the above-styled matter as listed on the attachment hereto.

This 10<sup>th</sup> day of December, 2003.

  
JOHN E. DELANEY

jmr

United States District Court  
for the  
District of Utah  
December 11, 2003

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cv-00569

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

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